

## COMMITTEE REPORT

**Date:** 16 February 2011      **Ward:** Acomb  
**Team:** Major and Commercial   **Parish:** Acomb Planning Panel  
Team

**Reference:** 10/02740/OUT  
**Application at:** 15 Sherwood Grove York YO26 5RD  
**For:** 1no detached dwelling and 2no new garages  
**By:** Mr G Willis  
**Application Type:** Outline Application  
**Target Date:** 15 February 2011  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application is for outline planning permission for 1 dwelling and two garages (one for the host dwelling and the other for the proposed dwelling). An indicative layout has been submitted indicating a one and two storey dwelling, 2 garages, and 2 no vehicle accesses. The site at present is part of the garden to 15 Sherwood Grove and has a small single garage with vehicle access to Sherwood Grove. The site is adjacent to a curve in the road, and abuts the green belt boundary. Permission is being sought at this stage for the principle of development with all other matters reserved for determination at a later stage.

1.2 The application comes before committee at the request of Cllr Tracy Simpson-Laing due to the concerns regarding highway safety. There has been objections received and therefore there will also be a committee site visit.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CYGP10 Subdivision of gardens and infill devt

CYGP15 Protection from flooding

CYNE1 Trees, woodlands, hedgerows

CYH4A Housing Windfalls

CYH5A Residential Density

CYL1C Provision of New Open Space in Development

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

#### HIGHWAY NETWORK MANAGEMENT - No objections

3.1 The development would involve the creation of two new vehicle accesses/verge crossings and also the creation of a pedestrian verge crossing (not shown). The resulting remaining short stretches of verge would be considered to be impracticable to maintain and therefore it is recommended that the verge fronting the site between the end of the existing footway and the new pedestrian entrance be converted to an extension of the existing footway.

3.2 The two new vehicle accesses would be closer to the sharp bend and therefore a sightline condition is requested across the frontage of No. 15

3.3 Would like conditions relating to full details of vehicle and pedestrian accesses, parking and cycle storage; visibility splays in a southerly direction (entire frontage of no. 15 should be free of all obstructions over 1 metre in height); HWAY10, HWAY17; HWAY29; and HWAY39; and informative stating that consent is required for the works for a vehicle crossing

#### STRUCTURES AND DRAINAGE – Object

3.4 Insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the existing drainage systems.

#### LIFELONG LEARNING AND LEISURE

3.5 As there is no on site open space commuted sums should be paid to the Council for (a) amenity open space - which would be used to improve a local site such as Viking Road or Carr allotments (b) play space - which would be used to improve a local site such as the proposed Viking Road play area (c) sports pitches - would be used to improve a facility within the West Zone of the Sport and Active Leisure Strategy. The contribution to off site provision is to be based on the latest York formula through a Section 106 Agreement.

#### ENVIRONMENTAL PROTECTION UNIT

3.6 No objections subject to informative regarding the Control of Pollution act 1974 and land contamination.

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### ACOMB PLANNING PANEL

#### 3.7 No objections

### LETTERS OF OBJECTION

3.8 Five letters have been received (2 from the same address) objecting to the application on the following grounds:

- There have been accidents and near misses on this bend in the road, as witnessed by the repairs to the garden wall and provision of bollards.
- Various national bodies have expressed concern regarding the loss of gardens to housing.
- Not in keeping with the rest of the street.
- Would cause loss of privacy and overlooking to No. 16, although a hedge would screen the single storey element, but the hedge may be removed at a later date, extensions may be built to the proposed dwelling.
- Spoil view of the fields, concerned may de-value property.
- Building will cause noise pollution and disturbance to occupants of neighbouring dwellings.
- The proposed dwelling is much larger than the garage which is currently in the garden both in area and height and appears shoehorned into an unsuitable small site. All other properties in the area have a front garden, pavement and grass verge between the front of the property and the road. There is no pavement outside the proposed dwelling, only a grass verge; therefore it would be much closer to the roadside kerb than other properties which would make it incongruous within the streetscene.
- The hedge described in the application as 'overgrown' has been regularly maintained.
- The bend in the road is not sufficiently wide enough for the vehicles to pass safely and would be further hampered by the manoeuvrability of vehicles crossing the proposed new driveways and also existing driveways on the opposite side of the road.
- There is an existing issue with the external drains becoming blocked to the rear of the properties also on this side of the street, the addition of another dwelling would compound the issue.
- As it is an outline application do not know where the window openings are going to be concerned about the potential impact on privacy.
- The existing houses and bungalows in Sherwood Grove are typical 1950/1960s build and we do not feel that the proposed dwelling on this small site would be appropriate for the area.

## **4.0 APPRAISAL**

### KEY ISSUES

#### 1. Visual impact

2. Impact on neighbouring property
3. Impact on highway safety

## PLANNING POLICY

4.1 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

4.2 PPS3 supports PPS1 with regards high quality new housing and encourages sustainable and environmentally friendly new housing development. It states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, it also states that the density of an existing development should not dictate that of new housing by stifling change or requiring replication of existing styles and form. When well designed and built in the right location, new housing development can enhance the character and quality of an area.

## PRINCIPLE OF RESIDENTIAL DEVELOPMENT ON THE SITE

4.3 The site is located within the curtilage of an existing dwelling. Policy H4a relates to housing developments within existing settlements and states that permission will be granted within defined settlement limits for new housing developments on land not already allocated on the proposals map, where the site is vacant, derelict or underused land where it involves infilling, redevelopment or conversion of existing buildings. The scheme must be of an appropriate scale and density to surrounding development and should not have a detrimental impact on landscape features. Policy GP10 of the Draft Local Plan states that permission will only be granted for subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment. In officers opinion the principle of new residential development on the site conforms to local and national policies.

## DESIGN AND LANDSCAPING

4.4 Sherwood Grove is a relatively open and suburban in character there is a mixture of housing types within the street e.g. semi-detached hipped roofed dwellings set in similar sized plots, and bungalows set in slightly larger plots. The site is distinguished from the surrounding by having a relatively large side garden area, which is bounded by the road, and a field to the west.

4.5 Policy GP1 of the City of York Development Control Local Plan sets a firm policy presumption that new developments will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials and ensure that residents living nearby are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. The reserved

matters include layout, scale, appearance and landscaping so they are not for consideration at this outline stage. Nevertheless the application includes an indicative layout showing the house footprint, garden, garages, vehicular areas, and plot boundaries. In terms of the built footprint and distribution of buildings the layout shows that a dwelling can be created on the site whilst respecting the density, and pattern of development of the surrounding area. The indicative plans submitted show a detached dwelling of one and two storeys. Whilst this would not be typical of the predominant form of development in the locality, it would not appear stark or create an uncomfortable juxtaposition in the street scene.

4.6 In landscape terms the retention of the hedge to the boundary of the site will do much to integrate the new dwelling into its surroundings. A condition requiring the retention and protection of the hedge during construction is proposed.

4.7 The proposal is considered to be acceptable in terms of its impact on the character and amenity of the local environment in accordance with the requirements of GP10 of the Draft Local Plan and to accord with the requirements of GP1 in terms of density, layout, mass, scale and design. It is proposed to remove permitted development rights to ensure that any future proposals for the site can be controlled and do not result in over development of the site.

#### NEIGHBOUR AMENITY

4.8 The indicative layout shows that a development of one dwelling can be created without having an unacceptable impact on local residents. The proposed dwelling would be circa 24 + metres from the front elevations of the dwellings opposite, which is similar to existing face-to-face distances in the street. The side elevation would be 7 metres from the proposed garden of the host property, it is not known if there would be windows in this elevation. Adequate separation distances can be achieved and impact on the neighbouring occupiers can be minimised by, for example, restricting the building heights and careful arrangement of buildings, habitable rooms and windows. These matters would be dealt with at the reserved matters stage.

#### SUSTAINABILITY

4.9 A sustainability statement supports the application however Code for Sustainable Homes is not mentioned. For the proposed dwelling to meet the requirements of GP4a and the Interim Planning Statement (IPS) on Sustainable Design and Construction it is recommended that the proposed dwelling meets level 3 of the Code for Sustainable Homes via condition. In addition a condition is proposed to require that the dwelling provides 5% on site renewables in accordance with the Interim Planning Statement.

#### OPEN SPACE

4.10 Under Policy L1c there is an open space provision requirement for this site. The provision of open space could be addressed by condition, unilateral undertaking or section 106 agreement. In this case a condition is proposed to require an off site contribution to open space in accordance with the councils document commuted sum payments for open space in new developments.

## DRAINAGE

4.11 Residents have expressed concern regarding existing drainage proposals and the possibility that an additional dwelling will exacerbate the problem. The development is in low risk flood zone 1 and should not suffer river flooding. However approval of a full drainage scheme is required prior to determination of Reserved Matters in order that it can be satisfactorily demonstrated that the local surface water drainage network may cope with the additional flows.

## HIGHWAYS

4.12 A number of objections have been received regarding the potential impact on road safety of an additional dwellings and the vehicle access points. Details of access are reserved matters for future consideration. Nevertheless the indicative plans show two vehicle access points proposed (one for the parent property and on for the proposed dwelling) sited on the curve in the road. It is not considered that the siting of the vehicle access shown in the plans would impact on road safety: the position of the accesses would allow views of the road in the north direction and a visibility splay condition is recommended to allow views in a southerly direction. It should be noted that there is an existing vehicle access.

## **5.0 CONCLUSION**

5.1 The principle of new residential development on the site conforms with local and national policies. The proposal is considered to be acceptable in terms of its impact on the character and amenity of the local environment in accordance with the requirements of Policy GP10 and H4a of the Draft Local Plan and to accord with the requirements of Policy GP1.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 OUT1 Approval of Reserved Matters

2 OUT2 Full details to be submitted

3 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space in accordance with the council's advice note Commuted Sums for Open Space in New Developments - A Guide for Developers.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

4 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Class A, B, E and F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents, the pattern of surface water drainage and the provision of adequate amenity space the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

5 VISQ7 Sample panel ext materials to be approv

6 The development hereby approved shall be constructed to at least Level 3\*\*\* of the Code for Sustainable Homes (CSH). A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve level 3\*\*\* of the Code a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve level 3 of the code. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

7 Prior to the commencement of development, full details of a renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include (i) the dwelling's proposed renewable energy generation, which shall be at least 5 % of total energy generation (ii) measures to reduce energy demand (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L. The development shall then be carried out in accordance with the approved assessment.

Reason: To ensure that the proposal complies with the principles of sustainable

development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction

8 DRAIN1 Drainage details to be agreed

9 The hedge around the boundaries of the site shown on Drawing Number 10:54:SK1 received 1 December 2010 shall not be removed or lowered below 1.8 metres without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual amenity

10 Vehicular access shall be provided in the location shown on drawing no. 10:54:SK1 and the reserved matters submission shall show a visibility splay from a point measured 2.4m back from the highway boundary along the centre line of the vehicle access to the new dwelling in a southerly direction across the entire frontage of nos.15 Sherwood Grove. The visibility splay shall be provided prior to the occupation of the dwelling and thereafter shall be maintained free of all obstructions in excess of one metre above the level of the adjacent carriageway.

Reason: In the interests of highway safety.

11 HWAY10 Vehicular areas surfaced, details reqd

12 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge and kerb to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

13 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

14 HWAY18 Cycle parking details to be agreed

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, highway safety, drainage and sustainability. As such the proposal complies with Policies GP1, GP10 and H4a of the City of York Development Control Local Plan and the aims of Planning Policy Statement 1 'Planning for Sustainable Development' and Planning Policy Statement 3 'Housing'.

## 2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

## 3. DEMOLITION AND CONSTRUCTION INFORMATIVE

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(b) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(c) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(d) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(e) There shall be no bonfires on the site.

### Contact details:

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